IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26641 of 2007(V)

PETITIONER:

SMT. VINAYA PRABHA R., W/O SAJEEV,
AGED 40 YEARS, STAFF NURSE,
P.H.C KUNDARA, RESIDING AT ASWATHY BHAVAN,
NADUVILKKARA, UMAYANALLOOR, KOLLAM.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN

RESPONDENTS:

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1. THE DISTRICT MEDICAL OFFICER OF HEALTH,
KOLLAM.

2. THE DY. DISTRICT MEDICAL OFFICER OF
HEALTH, KOLLAM.

3. THE SUPERINTENDENT,
C.KESAVA MEMORIAL GOVT. HOSPITAL,
MAYYANADU, KOLLAM.

4. THE DIRECTOR OF HEALTH SERVICES,
TRIVANDRUM.

5. THE SECRETARY TO GOVT. OF KERALA,
DEPARTMENT OF HEALTH & FAMILY WELFARE,
SECRETARIAT, TRIVANDRUM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.26641 of 2007

Dated this the 6th day of September, 2007

JUDGMENT

The petitioner, a Staff Nurse, working under the first respondent and a native of Umayanalloor in Kollam was transferred from Mayyanadu to Kundara as per Ext.P5. Ext.P5 was challenged before this Court in Writ Petition No.18432/2007 inter alia on the contention that the same came to be issued on the basis of Ext.P3 which is styled as an enquiry report submitted by the Deputy District Medical Officer of Health.

2. Ext.P5 order of transfer does not indicate that the transfer is on the basis of recommendation contained in Ext.P3. But assuming that the same is correct, Ext.P5 order of transfer does not contain any stigma.

3. In Writ Petition No.18432/2007, this Court,vide Ext.P7 judgment, directed Ext.P6 representation to be considered by the District Medical Officer (Health) observing the stand of the petitioner. A hearing was conducted subsequently as evidenced by Ext.P9 and Ext.P9 order has been passed by the DMO holding that considering the

report of the personal hearing and all records, it was found that there is no reason/ground to review the earlier decision in transferring the petitioner from Government Hospital, Mayyanad to the Primary Health Centre, Kundara.

4. Learned counsel for the petitioner challenging Ext.P9 contends that all the contentions which have been raised by him in Ext.P7 have not been specifically dealt with by the District Medical Officer. Apparently, the transfer was an outcome of the complaint filed by the petitioner against some other staff regarding irregularities in the matter of purchase of medicine. According to him, the transfer effected under Ext.P5 ought to have been reviewed by the District Medical Officer. He further contends that the enquiry should have been completed on the basis of the allegations levelled by her against other staff.

5. I have heard the learned counsel for the petitioner. I am of the view that Ext.P9 order does not warrant any interference. Essentially, in Ext.P9, the DMO only concludes that there are no reasons to review the transfer effected under Ext.P5. Ext.P5 order of transfer does not indicate any stigma attached to the conduct of the petitioner. No detriment as such is caused by reason of Ext.P5 order. Consequently, it cannot be said that the first respondent has acted in any illegal or improper manner in concluding that Ext.P5 does not warrant a review, in Ext.P9 order.

6. District Medical Officer who is required to consider the grievance regarding transfer is not expected to write in detail, as normally done by judicial authorities. In the ultimate analysis, what is involved is a transfer of a staff nurse, a native of Umayanalloor in Kollam District from Mayyanad to Kundara (also in Kollam District) - these two places situated approximately 20 kms. from each other, I am of the view that the orders under challenge do not warrant interference, the writ petition is dismissed.

V.GIRI, JUDGE

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